



City of Albuquerque

Legislative File Number O-06-43 (version 1)

CITY OF ALBUQUERQUE SEVENTEENTH COUNCIL

Amending The Uniform Administrative Code And Technical Codes Prescribing Minimum Standards Regulating The Construction, Alteration, Moving, Repair And Use And Occupancies Of Buildings And Structures And Building Service Equipment And Installations Including Plumbing, Swimming Pools, Electrical, Mechanical, Signs, Solar, Energy Conservation, Building Conservation And The Abatement Of Dangerous Buildings Within The City Of Albuquerque; Providing For The Issuance Of Permits And Collecting Fees, Providing For Penalties For Violation Of The Code; Providing A Severability Clause; Providing The Effective Date And Providing For Publication.

CITY OF ALBUQUERQUE SEVENTEENTH COUNCIL

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. AMENDMENTS TO THE UNIFORM ADMINISTRATIVE CODE OF THE CITY OF ALBUQUERQUE. The Uniform Administrative Code is hereby amended and shall serve as the administrative, organizational and enforcement rules and regulations for the adopted technical codes within the City of Albuquerque, New Mexico.

Section 2. ADOPTION OF THE NEW TECHNICAL CODE OF THE CITY OF ALBUQUERQUE. For the purpose of prescribing minimum standards regulating construction and maintenance of buildings and structures, including all building service equipment, and installations within the City of Albuquerque, New Mexico, the following codes are hereby adopted:

A. [+The 2003 New Mexico Historic Earthen Building Code as adopted by the Construction Industries Division of the State of New Mexico with an effective date of July 1, 2004;+]

B. The [~~2002~~] [2005] New Mexico Electrical Code as adopted by the Construction Industries Division of the State of New Mexico with an effective date of [~~July 1, 2004~~] [July 1, 2005];

The City of Albuquerque amendments to the New Mexico Codes referred to herein are set forth as Exhibit A and incorporated by reference are hereby amended and together with the Codes in this section shall be known as the Uniform Construction Codes of the City of Albuquerque. From the date on which this amended ordinance takes effect they shall be controlling within the municipal boundaries of the City of Albuquerque, New Mexico.

Section 3. AMENDMENTS TO THE UNIFORM CODES OF THE CITY OF ALBUQUERQUE. The Uniform Codes of the City of Albuquerque are hereby amended:

Section 4. AVAILABILITY OF THE UNIFORM CONSTRUCTION CODES OF THE CITY OF ALBUQUERQUE. A copy of the Uniform Administrative Code and a copy of the Uniform Construction Codes of the City of Albuquerque as amended by this ordinance are on file in the Office of the City Clerk of the City of Albuquerque, and are available for inspection by the public during regular business hours. A copy of said codes shall be available to any individual upon request and the payment of a reasonable charge as set by the Chief Administrative Officer, to be not less than the actual cost per copy.

Section 5. BUILDING AND SAFETY DIVISION - JURISDICTION.

The Building and Safety Division of the Planning Department shall have jurisdiction to administer the Uniform Construction Codes of the City of Albuquerque for construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment.

Section 6. FIRE MARSHAL - JURISDICTION; APPLICATION OF FIRE CODE.

(A) The Fire Marshal shall have jurisdiction under the Fire Code of the City of

Albuquerque to test and inspect fire alarm systems and fire suppression systems, including fire hydrants, fire extinguishers and sprinkler systems installed in construction, alteration, moving, repair, demolition, use and occupancy of buildings, structures and building service equipment. The Fire Marshal shall have jurisdiction under the Fire Code as adopted by the Fire Department of the City of Albuquerque as applicable to construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment.

(B) Existing Buildings. The Fire Marshal shall have jurisdiction to administer the Fire Code of the City of Albuquerque as applicable to all existing structures.

Section 7. CONFLICT OF CODES. When a conflict exists in specific code requirements between applicable sections of the Uniform Construction Codes of the City of Albuquerque and the Fire Code of the City of Albuquerque, the Uniform Construction Codes shall prevail.

Section 8. PENALTIES. Any person violating any of the provisions of this code or failing or neglecting to comply with any orders issued pursuant to any section thereof shall be deemed guilty of a misdemeanor and such person shall be guilty of a separate offense for each and every day or portion thereof during which any such violation is continued or permitted. Upon conviction of any such violation, such person shall be punished by fine of not more than \$500 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

Section 9. SEVERABILITY CLAUSE. If any section, subsection, sentence, clause, word or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this ordinance. The City Council, the Governing Body of the City of Albuquerque, hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, word, or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words, or phrases being declared unconstitutional or otherwise invalid.

Section 10. COMPILATION. This ordinance shall be incorporated in and

compiled as part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

Section 11. EFFECTIVE DATE. These amendments shall be effective on [~~July 1, 2004~~] [September 1, 2006] after having been published by title and general summary.